

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAAVIER I. CARR,	§	
Plaintiffs,	§	
	§	
v.	§	Civil Case 3:19-CV-876-B-BK
	§	
TEXAS DEPT. OF FAMILY AND	§	
PROTECTIVE SERVICES, ET AL.	§	
Defendants.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

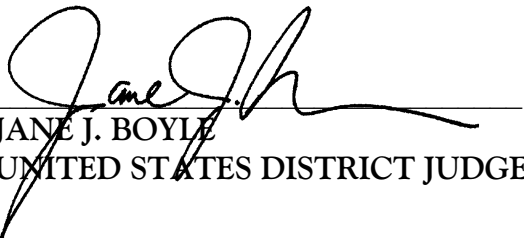
The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Plaintiff's amended claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction as precluded by the *Rooker- Feldman* doctrine, *see* FED. R. CIV. P. 12(h)(3), and his remaining claims are **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim, *see* 28 U.S.C. § 1915(e).

The Court prospectively certifies that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this finding, the Court adopts and incorporates by reference the magistrate judge's findings, conclusions and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event

of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).¹

SO ORDERED this 1st day of December, 2020.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

¹Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.